

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT R. PORTER,)	
)	Civil Action No. 04 - 1736
Plaintiff,)	
)	
v.)	
)	
HARRY C. CANCELMY,)	
)	
Defendant.)	

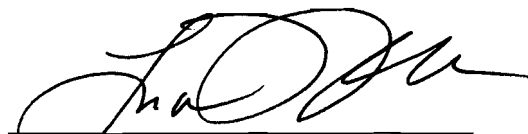
ORDER

Plaintiff filed a Motion Requesting Service of Process on Defendant on December 12, 2005. Prior to the filing of this motion, the Court entered an order on December 5, 2005, directing Plaintiff to file a new complaint as well as directions for service no later than December 31, 2005. Because neither the deadline for filing a new complaint has passed, nor has Plaintiff filed a new complaint as directed by the Court,

IT IS ORDERED this 13th day of December, 2005, that Plaintiff's Motion Requesting Service of Process on Defendant is **DENIED** without prejudice. Once Plaintiff has filed his new complaint, he may resubmit the motion to the Court.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

Dated: 12-13-05



Lisa Pupo Lenihan
United States Magistrate Judge

cc: ROBERT R. PORTER
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